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PRE-APPEAL BRIEF REQUEST FOR REVIEWDocket Number (Optional)
7784-000652

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Application Number
10/674,929

Filed
September 30, 2003

First Named Inventor
Rodney B. Kendrick

On _____

Art Unit
3626

Examiner
Sheetal Rangrej

Signature _____

Typed or printed name _____

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

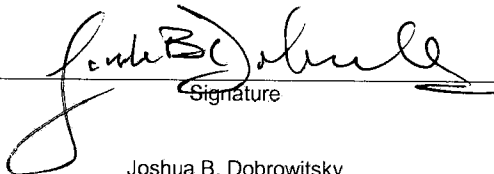
I am the

☐ applicant/inventor

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

☒ attorney or agent of record.
Registration number 51,288.

☐ attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34 _____


Signature

Joshua B. Dobrowitsky

Typed or printed name

(248) 641-1600

Telephone number

May 28, 2008

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/674,929
Filing Date: September 30, 2003
Applicant: Rodney B. Kendrick
Group Art Unit: 3626
Examiner: Sheetal Rangrej
Title: System of Charging for Automobile Insurance
Confirmation No.: 5150
Attorney Docket: 7784-000652

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOTICE OF APPEAL AND PRE-APPEAL BRIEF REQUEST FOR REVIEW

Madam:

Applicant respectfully appeals the finality of the office action and the rejections contained therein. Applicant respectfully submits that the references of record do not disclose any insurance products or methods that protect the privacy of the consumer while providing insurance premiums that are adjusted based on use of the vehicle. In one example set forth in the Application, the privacy of the consumer is protected because only cost information is transmitted from the computation device (18) so privacy concerns surrounding real time location of the vehicle are accommodated because the computation device (18) only transmits a dollar amount. *See Application at para. [0030]*.

Claim 1 defines the invention and recites, in part: deriving a first cost increment by evaluating at least the location information, the vehicle performance information and a pricing database. The deriving of the first cost increment is performed on the vehicle. Claim 1 further recites: transmitting the first cost increment from the billing transmission

system to the contracting company. The first cost increment is devoid of the location information and the vehicle performance information. Claims 16 and 30 recite similar limitations.

In the final office action mailed January 30, 2008, the only support for the rejection of the claim limitations recited above is reproduced below in its entirety:

transmitting said first cost increment from the billing transmission system to the contracting company, wherein said first cost increment is devoid of said location information and said vehicle performance information (**Nakagawa: para 0032-0035; para 0095-0096**); (*Emphasis original*)

Applicant respectfully submits that neither the paragraphs in Nakagawa et al. identified above nor anything disclosed in Nakagawa et al., Wright, McMillan et al. or any of the references of record support the rejection under 35 U.S.C. § 103(a) for at least the reasons that the references of record do not provide, teach or suggest all of the limitations as set forth in Claim 1.

Briefly, Wright and McMillan only provide for the gathering of various pieces of vehicle parameters and information. All of these various pieces of vehicle parameters and information are sent back to the billing company. See, e.g., *Wright at Col. 3, Ln. 7-19 and McMillan at Col. 6, Ln. 58-62*

As to Nakagawa, Applicant respectfully submits that Nakagawa does not support the assertions in the office action. In support, Applicant draws the Office's attention to what is provided in Nakagawa:

- The car insurance company 2 can obtain all the data backing up the car insurance premium sent from the on-board apparatus 4. *Nakagawa at para. [0095]*.
- When server apparatus 6 obtains data collected at the contract repair factory 3 and data collected in on-board apparatus 4, the car insurance company 2 can obtain all

the data backing up the car insurance premium sent from the on-board apparatus 4. *Nakagawa at para. [0095].*

- Vehicle insurance premiums that incorporate data relating to vehicle maintenance or management are calculated so appropriate vehicle insurance premiums can be determined. *Nakagawa at para. [0032].*
- The car insurance premium calculation system detects the way in which a car is operated by a user, the installation status of equipment installed to protect passengers and the maintenance or management of the car; so accurate car insurance premiums can be determined. *Nakagawa at para. [0034].*

As noted above, Claim 1 recites, in part: transmitting the first cost increment from the billing transmission system to the contracting company. The first cost increment is devoid of the location information and the vehicle performance information.

Far from being devoid of such information that the consumer does not want to share, Nakagawa provides that any factor that adjusts the cost of the vehicle insurance is routinely shared and sent to the billing company. For example, car insurance company 2 calculates the car insurance premiums based on information sent by radio communication from car 1 and information sent from contract repair factory 3. For example, when a user has properly installed safety equipment in car 1, drives car 1 safely, and properly maintains and manages car 1 at contract repair factory 3, car insurance company 2 assumes a reduction in any insurance that may have to be paid out for car 1. Therefore, the insurance premiums payable for car 1 are discounted. Conversely, if the user 1 has not properly installed safety equipment in car 1, does not drive safely, and does not properly maintain or manage car 1, car insurance company 2 assumes an increase in any insurance that may have to be paid out for car 1. Therefore, the car insurance premiums payable for that car are increased. Data relating to the car insurance premiums after any discount or increase has been applied is sent via radio communication from car insurance company 2 to car 1. The received data relating to the car insurance premium is displayed so that it is visible to the user of car 1. See *Nakagawa at para. [0050].*

Even beyond safety measures and car information, the system in Nakagawa can use an air analyzer or breath tester to detect whether or not a user has consumed alcohol and the levels consumed. The operating status detection means 7 also includes various sensors for collecting information relating to the operating status of car 1. All of this is reported back to the billing company.

The Office rejects Claim 1 and its dependent claims under 35 U.S.C. § 103(a) as being unpatentable over Nakagawa et al. (U.S. Pub. No. 2002/0128882) in view of Wright (U.S. Pat. No. 6,052,466) and further in view of McMillan et al. (U.S. Pat. No. 5,797,134). For at least the above reasons, Applicant respectfully submits that the references of record (alone or in combination) do not disclose, teach or suggest the invention as defined in Claim 1. Claims 4, 5, 9, 10, 14 and 15 depend from Claim 1 and, as such, Applicant respectfully requests that the Office reconsider and withdraw the rejections for Claim 1 and its dependent claims for at least the above reasons.

Similar in parts to Claim 1, Claim 16 recites, in part: a transmitting device that sends the first cost increment to the contracting company. The first cost increment is devoid of the location information and the vehicle performance information. Claim 30 recites, in part: transmitting the first incremental insurance cost to the contracting company. The first incremental insurance cost is devoid of the operational factor. For at least similar reasons to those set forth above for Claim 1, Applicant respectfully submits that the references of record (alone or in combination) do not disclose, teach or suggest the invention as defined in Claims 16 and 30. Claims 19, 20, 23, 24, 28, 29 and 31-34 depend on Claims 16 and 30 directly or indirectly. As such, Applicant respectfully requests that the Office reconsider and withdraw the rejections of Claims 16 and 30 and their dependent claims for at least the above reasons.

CONCLUSION

In response to the final office action mailed January 30, 2008, please consider the notice of appeal filed herewith and the pre-appeal brief request for review as set forth above. Applicant hereby petitions under the provisions of Rule 1.136(a) for an

extension of time in which to respond to the outstanding office action. Applicant includes a fee as set forth in Rule 1.17(a) with this filing for such extension of time and a fee as set forth in Rule 41.20(b) for filing of this notice of appeal. Claims 1, 4, 5, 9, 10, 14-16, 19, 20, 23, 24 and 28-34 are now pending in the application. Currently, there have been no amendments to the Claims. The Office is respectfully requested to remove the finality of the office action and reconsider and withdraw the rejections of record.

Applicant respectfully submits the following issues as discussed are appropriate for review in a pre-appeal brief review conference.

Prompt and favorable consideration of this request is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is always invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: May 28, 2008

By: 

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